



# YADKIN COUNTY

NORTH CAROLINA

## **SOLID WASTE MANAGEMENT ORDINANCE**

YADKIN COUNTY SOLID WASTE MANAGEMENT ORDINANCE

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# YADKIN COUNTY SOLID WASTE MANAGEMENT ORDINANCE

BE IT ORDAINED by the Board of Commissioners of Yadkin County:

## **ARTICLE I** **GENERAL PROVISIONS**

### Section 1.01 **TITLE**

This Ordinance shall be known and may be cited as the **YADKIN COUNTY SOLID WASTE MANAGEMENT ORDINANCE**.

### Section 1.02 **PURPOSE AND STATUTORY AUTHORITY**

The purpose of this Ordinance is to regulate the storage, collection and disposal of solid waste and to promote the removal of recyclable items from the solid waste stream, and to protect the public safety, health and welfare of the citizens of Yadkin County. This Ordinance is adopted pursuant to the authority contained in Chapters 130A and 153A of the North Carolina General Statutes.

## **ARTICLE II** **DEFINITIONS**

The following definitions apply in the interpretation and enforcement of this Ordinance:

- A. **BOARD** or **BOARD OF COMMISSIONERS**: The Board of Commissioners of Yadkin County, North Carolina.
- B. **BULKY WASTE**: Large items of solid waste such as mattresses, box springs, household appliances, furniture, automobiles or their parts, trees, branches, stumps and other oversize waste whose large size precludes or complicates their handling by normal waste collection, processing or disposal methods.
- C. **COLLECTION**: The act of removing solid waste (or materials that have been separated for the purpose of recycling) to a transfer station, processing facility, or disposal facility.
- D. **COLLECTION CONTAINERS**: The metal dumpsters owned by Yadkin County housed at convenience sites throughout Yadkin County to be used for the temporary storage of solid waste and recyclables.

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- E. COMMERCIAL SOLID WASTE: All types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial waste.
- F. CONSTRUCTION AND DEMOLITION WASTE: Solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings, or other structures, but does not include inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar non-hazardous material.
- G. CONVENIENCE SITES: Facilities owned, leased, rented or otherwise operated by the County at which solid waste and recyclables are collected, transported and disposed of. These sites are fenced and are attended by County employees under set operational schedules for the disposal of solid waste and acceptable recyclables from authorized households within Yadkin County.
- H. COUNTY: The County of Yadkin, a body politic and political subdivision of the State of North Carolina.
- I. DEPARTMENT: The North Carolina Department of Environmental Quality ("NCDEQ") or any successor department thereto.
- J. DISPOSAL: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land so that the solid waste or on any land or water so that the solid waste or any part of the solid waste may enter the environment or be omitted into the air or discharged into any waters, including groundwaters.
- K. DISPOSAL FACILITY: A site that has been established for the collection or disposal of household waste or recyclables. This would include the Convenience Sites and the Solid Waste Facility.
- L. ENFORCEMENT AGENCIES: Including, but not limited to, the Yadkin County Solid Waste Department and employees thereof; the N.C. Department of Environmental Quality-Solid Waste Section and employees thereof; the Yadkin County Sheriff's Office and employees thereof; the N.C. Highway Patrol and employees thereof; the municipal Police Departments within Yadkin County and employees thereof; the Yadkin County Human Services Agency—Environmental Health Division and employees thereof; the County Manager and private citizens.
- M. GARBAGE: All wastes which are liable to decay, including the internal organs and carcasses of animals, and recognizable industrial by-products, but excluding sewage and human waste.
- N. HAZARDOUS WASTE: Any waste stream that because of its quantity, concentration or physical, chemical or infectious characteristics, poses a hazard to human health or the environment.

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- O. IMPROVED RESIDENTIAL PROPERTY: A dwelling which is used for non-commercial residential purposes together with the land on which the dwelling is situated.
- P. INDUSTRIAL SOLID WASTE: Solid waste generated by industrial processes and manufacturing.
- Q. INFECTIOUS WASTE: A solid waste capable of producing an infectious disease. The types of waste designated as infectious are: microbiological waste, pathological waste, blood products, and sharps.
- R. INSTITUTIONAL SOLID WASTE: Solid waste generated by educational, health care, correctional or other institutional facilities.
- S. MANUFACTURED HOME PARK: Any parcel or contiguous group of parcels owned by a person or family, where a total of three (3) or more manufactured homes are installed and permitted as referenced in the Yadkin County Zoning Ordinance.
- T. MANUFACTURED HOME SPACE: The land in a manufactured home park allotted to or designed for the accommodation of one (1) manufactured home and any accessory structures.
- U. MUNICIPAL SOLID WASTE: Solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations.
- V. PERSON: Any individual, firm, organization, partnership, corporation, company or unincorporated association.
- W. PRIVATE CITIZEN: Any individual disposing and transporting household Solid Waste.
- X. PROCESSING: Any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport, amenable to recovery, storage, or recycling; safe for disposal; or reduced in volume or concentration.
- Y. PUTRESCIBLE: Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gasses, such as kitchen wastes, offal, and animal carcasses.
- Z. RADIOACTIVE WASTE: Waste containing any material, whether solid, liquid, or gas that emits ionizing radiation spontaneously.

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- AA. RESOURCE CONSERVATION AND RECOVERY ACT (RCRA): Enacted in 1976, RCRA is the principal federal law in the United States governing the disposal of solid waste and hazardous waste.
- BB. RECYCLE, RECYCLABLES, or RECYCLABLE MATERIAL: Those materials or the process by which solid waste or materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.
- CC. REFUSE: Solid waste, other than garbage or ashes, from residences, commercial establishments, and institutions.
- DD. REGULATED MEDICAL WASTE: Blood and body fluids in individual containers in volumes greater than 20 ml., micro biological waste, and pathological waste that has not been treated pursuant to rules promulgated by the Department.
- EE. RESIDENTIAL DWELLING: A single-family, residential structure, including a manufactured home.
- FF. RESIDENTIAL HOUSEHOLD WASTE: Solid waste originating from residences and generated in the day-to-day activities of residential households.
- GG. SCRAP TIRE: A tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.
- HH. SHARPS: Needles, syringes, and scalpel blades.
- II. SLUDGE: Any solid, semi-solid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, waste supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.
- JJ. SOLID WASTE: Any hazardous or non-hazardous garbage, refuse, or sludge from a wastewater treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludge generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include:
- (1) Fecal waste from fowls and animals other than humans;
  - (2) Solid or dissolved material in:

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- a. Domestic sewage and sludge generated by treatment thereof in sanitary sewage collection, treatment, and disposal systems that are designed to discharge effluents to the surface waters;
  - b. Irrigation return flows;
  - c. Wastewater discharges and the sludge incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludge that meets the criteria for hazardous waste under RCRA shall also be a solid waste for purposes of this definition.
- (3) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition;
- (4) Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011);
- (5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission. However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition.
- KK. SOLID WASTE FACILITY: The county facility established to process trash for transfer to the landfill and to sort and process recyclables.
- LL. SOLID WASTE HOUSEHOLD FEE: An annual fee assessed on each unincorporated residential dwelling in Yadkin County. The fee is determined by the Board of Commissioners on an annual basis based on the cost of operating the Yadkin County Convenience Sites. The fee is billed with the ad valorem taxes and is payable at the same time and in the same manner as property taxes.
- MM. SPECIAL WASTES: Solid wastes that can require special handling and management including, but not limited to, white goods, whole tires, used oil, lead-acid batteries, and medical wastes.
- NN. TRANSFER STATION: Facility at which County solid waste is compacted for transport to an approved sanitary landfill.
- OO. USED MOTOR OIL: Any oil that has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose.

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- PP. WHITE GOODS: Inoperative or discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.
- QQ. YARD WASTE: Waste consisting solely of vegetative matter resulting from landscaping maintenance such as leaves, grass, limbs or trimmings. Stumps are not considered yard waste.

### **ARTICLE III** **SOLID WASTE CONVENIENCE SITES**

- A. Collection containers are maintained at convenience sites located throughout the County for use by Yadkin County resident and non-resident property owners who are assessed the annual solid waste fee and who are not delinquent in payment and display a current, valid permit on their vehicle(s). Solid waste may be disposed at convenience sites only in accordance with the provisions of this Ordinance.
- B. No person shall use collection containers in Yadkin County for the disposal of Solid Waste which is accumulated or generated outside of Yadkin County.
- C. No person shall place any of the following in the collection containers as defined in Section III of this Ordinance:
- (1) Bulky waste
  - (2) Commercial waste
  - (3) Construction and demolition waste
  - (4) Hazardous waste
  - (5) Industrial waste
  - (6) Infectious waste
  - (7) Institutional waste

Additional wastes that shall not be placed inside collection containers include the following:

- (8) Asbestos
- (9) Burning or smoldering materials, or any other materials that would create a fire hazard
- (10) Dead animals or parts thereof
- (11) Lead-acid batteries
- (12) Liquid waste
- (13) Paint or paint products
- (14) Radioactive waste
- (15) Regulated medical waste
- (16) Sharps not properly contained
- (17) Sludges



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- (18) Special waste
  - (19) Tires
  - (20) White goods
  - (21) Yard waste
  - (22) Other materials as designated by Yadkin County
- D. No solid waste or recyclable materials shall be left outside of the fence. No waste shall be placed and left on the ground inside the site except as directed by the site attendant.
- E. No person shall set fires in or upon collection containers.
- F. No person shall vandalize or damage collection containers.
- G. No person shall climb on or into collection containers.
- H. No person shall enter a convenience site for the purpose of examining and or removing any items from the site (scavenging).
- I. No unauthorized person shall enter a convenience site before or after normal operating hours.
- J. Commercial, industrial and institutional solid waste shall not be disposed at County Convenience Sites. County Convenience Sites shall be used only by authorized private citizens for disposal of residential household waste.
- K. No person shall dispose of solid waste at a convenience site unless the solid waste is properly bagged.
- L. No person shall dispose of municipal solid waste generated within the boundaries of Yadkin County anywhere except for the Yadkin County Convenience Sites or the Solid Waste Facility.
- M. Franchised solid waste haulers who collect and transport solid waste for a fee shall not dispose of these wastes at the County Convenience Sites, but must take the wastes to the transfer station at the Yadkin County Solid Waste Facility.
- N. Acceptable recycling materials shall be placed in the designated collection containers for those specific items.

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**ARTICLE IV**  
**FRANCHISING NON-EXCLUSIVE SOLID WASTE COLLECTORS**

Section 4.01 **GRANTING OF FRANCHISES**

- A. It shall be unlawful for any person, firm, corporation, or organization to provide services for pickup, collections, transportation, or disposal of solid waste within the franchise area of Yadkin County ("County") without having first been granted a franchise by the Board of County Commissioners ("Board") to do so.
- B. The services of collection, transporting, and disposal of solid waste within the franchise area of the County shall be rendered by a private franchised operator or operators licensed by the county upon application duly made to and approved by the Board.

Section 4.02 **FRANCHISE AREA**

Solid waste franchise holders as set forth in Section 4.01 (B) of this Ordinance are hereby granted non-exclusive franchises to cover the entire area of the County not served by an exclusive franchise.

Section 4.03 **FRANCHISE FEE, TERMS, AND RENEWAL**

- A. The franchisee shall make a lump sum payment to the County in the amount set forth in the current County Fee Schedule in consideration of the issuance of said franchise for a term of three years. This fee shall be doubled for anyone who operates a franchise without an agreement approved by the Board.
- B. Upon the granting of a franchise agreement, the franchise holder shall display the appropriate stickers on all vehicles used to serve the franchised area.
- C. Solid waste franchises shall be issued for a term of three years. Franchises may be renewed with the information designated in Section 4.07 of this ordinance being filed with the Clerk to the Board of Commissioners ("Clerk") no less than sixty (60) days prior to the expiration of the existing and valid franchise and upon approval in accordance with subsections (A) and (B) in Section 4.08 of this ordinance.
- D. Each franchise renewal granted shall be subject to the same fee and terms as the initial grant as set forth in subsections (A) and (B) of this Section.

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### Section 4.04 **SERVICE**

- A. All solid waste franchise holders shall provide service to everyone who requests it for domestic and household and business solid waste disposal and related additional or special services for negotiated fees.
- B. Fees or charges for commercial or industrial dumpster collection may be negotiated to the satisfaction of the parties concerned.

### Section 4.05 **DISPOSAL**

All franchise holders will be required to bring all solid waste to the transfer station of the Yadkin County Solid Waste Facility located at 1149 Landfill Rd.

### Section 4.06 **FILING AND CONTENTS OF APPLICATION**

- A. Applications for franchises under this Ordinance shall be filed with the Board, through the Clerk, and setting forth or accompanied by the following information and such other information as the Clerk may request in order that the Board may properly consider the application.
  - (1) Full name and address of the applicant and whether a proprietorship, corporation or partnership, with disclosure of ownership interest.
  - (2) An itemized list of the applicant's equipment intended to serve the franchised area.
  - (3) Experience, if any which the applicant has in rendering the services for which the franchise is requested.
  - (4) Certify that annual insurance coverage has been obtained for the franchise holder in the current amounts required by the County and that the County is named as an additional insured on the certificate of insurance.

### Section 4.07 **FINDINGS AND PREREQUISITE TO GRANT**

- A. Franchises required by this article shall be granted only upon the board being satisfied that the applicant will render prompt, efficient and continuing service to the area for which the franchise is granted, and that the applicant has sufficient equipment and personnel to render such services to all within the franchised area.
- B. No franchise shall be granted or renewed until it has been approved at two regular meetings of the Board of Commissioners.

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- C. No person shall collect, transport, or dispose of solid waste for a fee, hire or consideration, unless such person holds a valid, current franchise issued by the Board empowering him to so collect, transport, or dispose of solid waste.

### Section 4.08 **CONDITION**

The franchise granted in this Ordinance is conditioned upon compliance with all applicable state and local rules, regulations, and ordinances.

### Section 4.09 **DUTY OF HOLDER TO REMOVE CUSTOMER'S SOLID WASTE**

Any person operating under a franchise granted under this Ordinance shall present to each customer, in advance of any agreement with that customer, a schedule of his fees, as authorized under this Ordinance, to be charged. All solid waste shall be removed from the customer's premises at least once per week, provided the customer is not more than thirty days in arrears in payment of such fees.

### Section 4.10 **DETERMINATION OF DISPUTES RELATING TO GRANT OF FRANCHISE**

All conflicts and disputes regarding the granting of a franchise and disagreements over franchised territory shall be determined by the Board and its decision shall be final.

### Section 4.11 **TRANSFER OR ABANDONMENT**

No franchise granted under this article shall be transferred by a holder without the prior approval of the Board, and no person shall abandon such a franchise without thirty (30) days prior written notice thereof being given to the Board, through the Clerk.

### Section 4.12 **TERMINATION OR SUSPENSION**

- A. All or any portion of a franchise granted under this Ordinance may be terminated or suspended by the Board for the following reasons:
- (1) Loss of his solid waste management permit by the franchise holder
  - (2) Noncompliance with the franchise, collection, and collection and transportation or disposal regulations promulgated by the Board.
  - (3) The attempted transfer of the franchise without prior approval of the Board.
  - (4) Failure to render prompt and effective service to customers

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- (5) Failure to comply with any provisions of this chapter or applicable health regulations.
- B. Complaints or grievances may be brought to the Board's attention by submission in writing to the Clerk.

### **ARTICLE V** **HOUSEHOLD FEE**

#### Section 5.01 **HOUSEHOLD FEE ASSESSED ON EACH RESIDENTIAL PROPERTY**

- A. A Solid Waste Household Fee is assessed on each residential dwelling in Yadkin County for the availability of solid waste disposal facilities provided by the County. Properties subject to this fee are all residential dwellings in the unincorporated areas of Yadkin County. Residential dwellings include: single-family detached homes (stick-built and modular); manufactured homes; and manufactured homes in a Manufactured Home Park.

#### Section 5.02 **METHOD OF BILLING AND COLLECTION OF HOUSEHOLD FEES**

- A. The Solid Waste Household Fee shall be charged as follows: each residential dwelling shall be charged the current annual amount as determined by the Yadkin County Board of Commissioners and as set forth in the current County Fee Schedule. Property owners are required to notify the County Tax Office with any changes to residential dwellings on their property.
- B. The Solid Waste Household Fee assessed shall be added, as a separate identified charge, to the property tax statements as authorized by G.S. § 153A-293. The County Tax Collector shall collect, and is charged with the duty of collecting, the Solid Waste Household Fee which is added to the property tax statements, and in the case of non-payment, may be collected in any manner by which delinquent real property taxes or personal property taxes may be collected. The Solid Waste Household Fee is treated the same in that the citizen can receive the early payment discount paid in August and, likewise, payments will accrue interest when paid after the due date. A partial exemption of the Solid Waste Household Fee is given to qualifying owners who receive the senior/disabled property tax exemption as authorized by the State of North Carolina.
- C. In return for payment of the Solid Waste Household Fee, households will be permitted to dispose of household quantities of bagged household waste at the County Convenience Sites and Solid Waste Facility. Recyclables shall be charged at the rates as set forth in the current County Fee Schedule. Yard waste shall be charged at the rates as set

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forth in the current County Fee Schedule. Construction and demolition waste; loose trash; bulky items such as furniture; and items that do not fit in a garbage bag; will be charged at the tipping fee rate as set forth in the current County Fee Schedule.

### Section 5.03 **Exemptions.**

The following properties are exempt from the Solid Waste Household Fee:

- A. Commercial and business enterprises
- B. Industrial and manufacturing properties
- C. Multi-family residential dwellings
- D. Institutional properties
- E. Unimproved properties
- F. Properties inside the corporate limits of Yadkinville; Jonesville; Boonville; and East Bend whose solid waste is collected by the respective municipality

### Section 5.04 **DISPLAY OF DECAL ON VEHICLE**

The resident must have a current, valid County provided decal in or on their vehicle to dispose of Solid Waste and drop off recyclables at the Solid Waste Facility and Convenience Sites. If a decal is not displayed, the individual shall be required to see the Site Attendant on duty and provide proof of possession of the current decal.

### Section 5.05 **OWNERS OF MANUFACTURED HOME PARKS**

- A. Owners of Manufactured Home Parks (as defined in the Yadkin County Zoning Ordinance), shall provide and maintain for all tenants a refuse collection system that conforms to all applicable municipal, county, and state solid waste rules and regulations. Such refuse collection systems shall be one of the following:
  - (1) Provision of weekly curbside waste pickup for each manufactured home;
  - (2) Provision and sanitary maintenance of a common collection container on the grounds; or
  - (3) Payment of Solid Waste Household Fees by the Manufactured Home Park owner to the County for each manufactured home in the Park to have privileges to use the County Convenience Sites.

The owner shall certify in the Yadkin County Manufactured Home Park Refuse Collection Registration Form with the Office of the Tax Collector, the method of refuse collection provided. The Yadkin County Manufactured Home Park Refuse Collection Registration Form is mailed out to owners of Manufactured Home Parks annually in December and is required to be filed by January 31 of each year.

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Owners of Manufactured Home Parks that choose to provide either weekly curbside waste pickup service to each manufactured home, or provision and sanitary maintenance of a common collection container on the grounds, shall submit annually a copy of the service contract or a paid bill along with the Refuse Collection Registration Form. Owners who choose to provide either curbside pickup or a common receptacle shall submit a copy of the service contract or a paid bill, along with the Refuse Collection Registration Form.

- B. Owners of Manufactured Home Parks who choose to pay the Solid Waste Household Fee shall be billed for each manufactured home in the Park.
- C. Manufactured Home Park owners who do not file the annual Refuse Collection Registration Form—and associated documentation—by January 31, of each year, shall be billed by certified mail at the current rates of the Solid Waste Household Fees

### **ARTICLE VI** **ENFORCEMENT**

- A. This Ordinance shall be enforceable by the Enforcement Agencies as defined in Article II of this Ordinance.
- B. The provisions of this Ordinance may be enforced by the inspection of County collection containers, convenience sites, Solid Waste Facility, or by the observance of those persons who are seen to violate any of the provisions contained herein.
- C. In addition to this Ordinance, all citizens must adhere to all applicable state and federal laws regarding the disposal, dumping, littering, and burning of solid waste in Yadkin County.

### **ARTICLE VII** **REMEDIES**

- A. Yadkin County may exercise remedies for violation of any provision of this Ordinance as permitted and authorized by the North Carolina General Statutes § 153A-123 as follows:
  - (1) **Civil Penalty:** Any person who is found in violation of this Ordinance and has been given thirty (30) days notice by citation issued by the County of Yadkin shall be subject to a civil penalty not to exceed Fifty Dollars (\$50.00) and each day's continuing violation shall be treated as a separate and distinct offense.

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- (2) **Equitable Remedy:** The County may enforce a violation of this Ordinance by an appropriate equitable remedy issuing from a court of competent jurisdiction to issue an order that may be appropriate.

**ARTICLE VIII**  
**SEVERABILITY**

- A. Should any section or provision of this Ordinance be for any reason held void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section or provisions herein.

**ARTICLE IX**  
**REPEAL OF CONFLICTING ORDINANCES**

- A. To the extent this Ordinance conflicts with any existing County ordinances, the provisions of this Ordinance shall prevail.

**ARTICLE X**  
**EFFECTIVE DATE**

- A. All ordinances in conflict with this Ordinance are hereby repealed.  
B. This Ordinance shall be effective, November 21, 2016.

Adopted the 21<sup>st</sup> day of November, 2016.

  
\_\_\_\_\_  
Kevin Austin  
Chairman, Board of Commissioners

Attest:

  
\_\_\_\_\_  
Tanya Gentry  
Clerk to the Board

(SEAL)